

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
Case No. 3:15-cv-00366

GUY M. DUGAN, KAREN DUGAN, and
MARK S. DUGAN AS TRUSTEE OF THE
GDM FAMILY TRUST,

Plaintiffs,

v.

PHILLIPS WIEGAND, JR.,
PILIANA M. SCHAMENS,
DAVID W. SCHAMENS,
INVICTUS CAPITAL GROWTH
AND INCOME FUND, LLP,
INVICTUS ASSET MANAGEMENT,
LLC, INVICTUS INCOME FUND, LLP,
INVICTUS REAL ESTATE INVESTMENT,
LLP, INVICTUS FUNDS, LLC,
TRADEDESK FINANCIAL GROUP, INC.,
TRADEDESK FINANCIAL CORP.,
TRADESTREAM ANALYTICS, LTD.,
INVICTUS CAPITAL GROWTH FUND,
LLP, INVICTUS HOLDINGS, LLP,
TRADEDESK CAPITAL, LLC,

Defendants.

NOTICE

NOW COMES, Guy M. Dugan, Karen Dugan and Mark S. Dugan as Trustee of the GDM Family Trust (“Plaintiffs”), by and through the undersigned counsel of record, and hereby respectfully request that the Court consider and rule on the Motion for Default Judgment that is currently pending in this matter (Doc. 46) (the “Motion for Default Judgment”) because the Defendants have failed to consummate the terms of the settlement reached between the Plaintiffs and Defendants.

By the Order of this Court dated November 18, 2016 (Doc. 58), the Court stayed entry of default judgment until February 15, 2017. On February 14, 2017, the Plaintiffs filed a motion for extension of time (Doc. 59) to request ruling on the Motion for Default Judgment, which is currently pending. For the foregoing reasons, Plaintiffs respectfully request that the Court consider and make a ruling on the Motion for Default Judgment (Doc. 46).

This the 21st day of February, 2017.

Respectfully submitted,

By: **s/ Mark R. Kutny**
Mark R. Kutny (NC Bar # 29306)
Attorney for Plaintiffs

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this date the foregoing was served upon all parties of record by depositing a copy thereof in the United States mail, postage prepaid and addressed as follows:

David W. Schamens
Piliana M. Schamens
138 Arnold Palmer Drive
Advance, NC 27006

This the 21st day of February, 2017.

By: **s/ Mark R. Kutny**
Mark R. Kutny (NC Bar # 29306)
Attorney for Plaintiffs

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